IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.909 OF 2006

Bhagwan Prem Singh ...Applicant.
V/s
The State of Maharashtra ...Respondent.

Mr. R.D. Suryawanshi for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 16th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 9/3/2005 in connection with C.R. No. I-158/2002 registered with the Ulhasnagar Police Station for the offence punishable under sections 395, 452, 506 of the Indian Penal Code and section 3, 25(1)(a) of the Indian Arms Act on a complaint lodged by one Manoj Rajwani.

3. It is alleged that one unknown person entered the house of the complainant at about 9.45 a.m. and pointed a revolver at the complainant and asked him to pay Rs 6 lakhs and threatened him that if he did not pay that amount, he would kidnap his son. When the complainant showed his inability to pay this huge amount, the accused ransacked the house of the complainant and took away ornaments which were valued

for Rs 2,09,000/- approximately. After the complaint was lodged, the accused were arrested.

4. It is submitted by the learned Counsel appearing on behalf of the applicant that the other co-accused have been released on bail and on the ground of parity the applicant also was liable to be released on bail. He submitted that one of the co-accused who was released on bail had been identified at the time of the identification parade and yet he was released on bail by the Sessions Court. He submitted that it is the case of the applicant that he was not identified by any of the witnesses and, therefore, his case stood on a better footing than the co-accused who had been released on bail. He submitted that there was no evidence of whatsoever nature against the present applicant. He submitted that the investigation had been completed and that there was no reason to keep the applicant in jail indefinitely.

5. The learned APP has filed an affidavit of one Suryakant Gaikwad, Senior Inspector of Police, Ulhasnagar Police Station. In the said affidavit, the past antecedents of the present applicant have been mentioned. It is stated in para 7 that the applicant is also involved in as many as 13 offences which were

registered against him in various Police Stations and the necessary details of his past criminal antecedents are as under:-

Sr. No.	CR No.	U/secs.	Police Stations
1.	515/1996	341,324,506 of IPC	Malharganj
2.	234/1997	307,324,34 of IPC 25 Arms Act.	Sadarbazar
3.	502/1997	25 Arms Act	Banganga
4.	363/1998	307,294,506 IPC 25 Arms Act.	Banganga
5.	594/1999	394,397, IPC	Malharganj
6.	8/2000	323,324,341, 294,506 IPC	Aerodram
7.	24/2000	307 r/w.34 IPC	Mewakuva
8.	37/2000	3,5 Explosive Act	Mewakuva
9.	5/2000	379 IPC	Sayogitaganj
10.	468/2000	341,294,506 IPC	Juni Indore
11.	477/2000	365, 34 IPC	Juni Indore
12.	530/2001	386,506,294,34 IPC	Banganga
13.	6/2002	342, 387 IPC	Ghatia Ujjain

It is also stated that a proclamation was issued by

the Madhya Pradesh Government and that Government had announced a prize of Rs 1000/- for arresting the present applicant. The said proclamation has been annexed to the affidavit-in-reply. It is stated that if the applicant is released on bail, there is every possibility that he may threaten the witnesses since he had already created a reign of terror in the minds of witnesses due to which eye witnesses failed to identify him during the course of the identification parade. It is further stated that the applicant is the resident of Madhya Pradesh and considering his past antecedents, if he is released on bail there is every possibility that he may abscond and may not face the trial.

6. I have given my anxious consideration to the submissions made by the learned Counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State. From the statement of the complainant, it can be seen that the accused had committed an offence by entering the house of the complainant and had demanded Rs 6 lakhs and had threatened him that if the said amount is not paid, his son would be kidnapped. When he showed his inability to pay that amount, the accused had taken away all the ornaments. The sequence of events which

had transpired had been clearly stated in the statement of the complainant. It is pertinent to note that the complainant has stated in his complaint that one day prior to the incident, one person had asked him to pay that amount and told him that his name is Raghu and that he had come from Indore and that he was treated as hardened criminal at Indore. A description of this person has been given as well as description of the others also has been stated in the complaint.

7. Considering the gravity of the offence and the the fact that the applicant is a criminal who is having past antecedents, in my view, this is not a fit case for grant of bail. The submission of the learned Counsel of the applicant that the other co-accused have been released on bail and, therefore, the applicant should also be released on bail on the ground of parity cannot be accepted. Considering the criminal antecedents of the present applicant, there is every possibility that because of his notorious activities the witnesses may not have identified him. However, there is other evidence on record which shall be considered at the time of trial. The application is, therefore, rejected.

8. The application is accordingly disposed of.

V.M. KANADE, J.